

Virginia Department of Criminal Justice Services

Select Virginia Legislation with Safety Implications for K-12 Schools

September 2022

A vital role of the Virginia Department of Criminal Justice Services (DCJS) Division of Public Safety Training and the Virginia Center for School and Campus Safety is to stay abreast of past, current, and potential future legislation impacting school safety in the Commonwealth. It is important to note, this is not an exhaustive list of all legislation related to K-12 public schools in Virginia. It is a summary of key legal components referenced in DCJS/PST-VCSCS training and resources. For additional reference, all Virginia legislation can be found at <https://law.lis.virginia.gov/vacode/>. Additional information related to Virginia Administrative Code can be found at <https://law.lis.virginia.gov/admincode/>.

(Highlighted items indicate legislation effective July 1, 2022.)

| Number | Code Section(s) | Description |
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| 1 | <i>Code of Virginia</i> <u>§ 9.1-184</u> | Virginia Center for School and Campus Safety <ul style="list-style-type: none">• Created• Duties |
| 2 | <i>Code of Virginia</i> <u>§ 22.1-208.01</u> <u>§ 22.1-276.01</u> <u>§ 22.1-291.4</u> | Bullying Prevention <ul style="list-style-type: none">• Character Education Required• Definition, Bullying• Bullying and abusive work environments prohibited |
| 3 | <i>Code of Virginia</i> <u>§ 19.2-11.01</u> <u>§ 2.2-3705.2</u> <u>§ 22.1-279.8</u> | Crisis Management and Emergency Plans <ul style="list-style-type: none">• Requirement of Plans• Requirement for certain first responders to be included in development and annual review |
| 4 | <i>Code of Virginia</i> <u>§ 9.1-184</u> <u>§ 22.1-279.8</u> | Critical Incident Response <ul style="list-style-type: none">• Provision of Model Curriculum by The Virginia Center for School and Campus Safety in cooperation with others• Provision in the Event that Victims Arise from an Emergency |
| 5 | <i>Code of Virginia</i> <u>§ 16.1-247.1</u> | Custodial Interrogation of a Child <ul style="list-style-type: none">• Prior parental notification and contact required |

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| 6 | <i>Code of Virginia</i> § 16.1-301 | Disclosure of Juvenile Records to School Principals <ul style="list-style-type: none"> Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record SB 649 |
| 7 | <i>Code of Virginia</i> § 18.2-415 | Disorderly Conduct <ul style="list-style-type: none"> Shall not apply if on school property/by school children (D) |
| 8 | <i>Code of Virginia</i> § 22.1-137 § 22.1-137.1 § 22.1-137.2 <i>Statewide Fire Prevention Code (SFPC)</i> §§ 404.2.3 405.1 <i>Virginia Administrative Code</i> 8VAC20-131-260 | Drills, Required <ul style="list-style-type: none"> Bus Evacuation Drills Lock-down Drills, Required Lock-down Drills, Parent Notification Lock-down Drills, Exemption Fire Drills, Required Fire Code Tornado Drills, Required |
| 9 | <i>Code of Virginia</i> § 22.1-279.8 | Emergency Manager <ul style="list-style-type: none"> Requirement of Designee in each Public School Division |
| 10 | <i>Code of Virginia</i> § 22.1-79.4 § 22.1-279.8 § 2.2-3705.2. § 19.2-389.1 § 16.1-301 | Freedom of Information Act (FOIA)/Information Sharing <ul style="list-style-type: none"> Exclusions from mandatory disclosure provisions (#13) Information Sharing Guide Sharing Juvenile Law Enforcement Records Disclosure of Juvenile Records to School Principal (SB 649) |
| 11 | <i>Code of Virginia</i> § 22.1-280.2:3 | Memorandum of Understanding (MOU) <ul style="list-style-type: none"> Required by the school board in each school division in which the local law-enforcement agency employs school resource officers |
| 12 | <i>Code of Virginia</i> § 22.1-279.3:1 §8.01-47 §22.1-279.3:1 §22.1-279.3:3 | Reporting Requirements <ul style="list-style-type: none"> Use of Force Against Students Incident Reports (HB 4, identical to SB 36, and includes SB 2, SB 287, SB 613) |

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| 13 | <i>Code of Virginia</i> <u>§ 22.1-140</u> | School Building Plan Review |
| 14 | <i>Code of Virginia</i> <u>§ 22.1-279.10</u> <u>§ 9.1-101</u> <u>§ 9.1-102</u> <u>§ 22.1-279.8</u> <u>§ 9.1-114.1</u> | School Resource Officers (SROs) <ul style="list-style-type: none"> • Data Collection • Definition, School Resource Officer • Training and Certification Requirements |
| 15 | <i>Code of Virginia</i> <u>§ 22.1-279.8</u> | School Safety Audits, and School Crisis, Emergency Management, and Medical Emergency Response Plans Required <ul style="list-style-type: none"> • Virginia Center for School and Campus Safety, in consultation with the Department of Education determine components of the Safety Audit • Crisis Plan Certification by August 31 each year • Annual Review of School Floor Plans Required (HB 741) • Collaboration with Chief Law Enforcement Officer and Review Required (HB 1129) |
| 16 | <i>Code of Virginia</i> <u>§ 5.1-155</u> <u>§ 9.1-101</u> <u>§ 9.1-102.42</u> <u>§ 22.1-280.2:1</u> <i>Virginia Administrative Code</i> <u>6VAC 20-240</u> | School Security Officers (SSOs) <ul style="list-style-type: none"> • Retired Law Enforcement Officers, Eligibility to serve as SSOs • Certification Program, School Security Officers • Definition, School Security Officer • Compulsory Minimum Standards for Employment (#42) • Employment of School Security Officers |
| 17 | <i>Code of Virginia</i> <u>§ 9.1-184</u> <u>§ 22.1-276.01</u> <u>§ 22.1-280.2:3</u> <u>§ 22.1-298.6</u> <u>§ 37.2-312.2</u> <u>§ 22.1-137</u> <u>22.1-253.13:1</u> | Training, Requirements and Provision of <ul style="list-style-type: none"> • Aberrant Behavior • Anti-Bullying (Public School Personnel) • Mental Health Awareness Training • Students, Situational Safety Awareness (HB 1215) • Chief Law Enforcement Officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and |

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| | | <p>requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law (HB 873)</p> |
| 18 | <p><i>Code of Virginia</i> <u>§ 9.1-184</u> <u>§ 22.1-79.4</u> <u>22.1-280.2:3</u></p> | <p>Threat Assessment</p> <ul style="list-style-type: none"> • Virginia Center for School and Campus Safety, in consultation with the Department of Education, required to provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students • Threat Assessment Teams and Oversight Committees • Threat Assessment Team Membership, SRO required if Employed and serving in school division (HB 873) |